

REMARKS

This amendment responds to the Office Action mailed August 21, 2003.

In paragraphs 2-3 of the Office Action, the Examiner objects to the drawings under 37 C.F.R. § 1.83(a) and (p)(5) as not showing every feature of the invention specified in the claims, in particular, a reference sign to memory 19. In response, applicant has added reference numeral 19 to Fig. 1.

In paragraph 4 of the Office Action, the Examiner objects to the specification as not containing an abstract of the disclosure. In response, the applicant respectfully submits that this national phase application corresponds to International application No. PCT/SE99/00821, which contains an abstract.

In paragraphs 5-6 of the Office Action, the Examiner objects to informalities concerning charge pump capacitor and charge pump drive stage. In response, applicant has changed reference numerals in the Figs. which indicate the charge pump capacitor from 23' to 23'' and the charge pump drive stage from 23'' to 23' to match the text of the specification.

No new matter has been added by way of these amendments. The Examiner is respectfully requested to approve the proposed drawing changes.

In paragraphs 8-9 of the Office Action, the Examiner rejects claims 7-9 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner indicates that the limitation "said receiver means" in the last two lines of claim 7 lacks antecedent basis. In response, applicant has amended claim 7 to recite "receiver means" in the preamble of the claim. In addition, antecedent basis has been supplied for a power supply voltage. It is respectfully submitted that the above amendments are not narrowing amendments pursuant to *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 122 S. Ct. 1831 (2002) (see also *Festo Corp. v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd.*, 234 F.3d 558 (Fed. Cir. 2000) (en banc)), since it does not change the scope of those claims.

In paragraphs 10-11 of the Office Action, the Examiner rejects claims 7-12, 14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,729,695 to Ahlm et al. (Ahlm) in view of U.S. Patent No. 5,491,468 to Everett et al. (Everett). Applicant respectfully traverses for at least the following reasons.

Ahlm teaches, for instance, an electronic label comprising a power supply means. The Examiner readily admits that Ahlm fails to disclose all the elements of claim 7. The Examiner concedes that, inter alia, Ahlm does not disclose the charge pump connected to the capacitor battery C for supplying power to capacitor battery C. Claim 7, itself, clarifies that power is supplied "after a signal intended for said label has been received by said receiver means"

In view of the above, Applicant notes that several limitations of claim 7 are neither disclosed nor suggested by Ahlm and Everett, considered alone or in combination. For instance, the following limitations of claim 7 are concededly not present in Ahlm or Everett:

charge pump means for producing a current at a voltage which is greater than a voltage of said power supply ... [and]

supplying said transmitter capacitor with power from said charge pump after a signal intended for said label has been received by said receiver means.

Everett fails to cure this deficiency for at least the following reasons. Everett teaches that the charging of an energy storage capacitor (capacitor 44 in Fig. 1) results in delivering power to a control/driver circuit (control/driver circuit 38 in Fig. 1). The power up circuit (power up circuit 48 in Fig. 1) monitors the voltage on the capacitor and such that at a predetermined voltage, power is delivered to the transmitter (transmitter coil 40 in Fig. 1) subject to a time delay provided by the control/driver circuit. In contrast, applicant's invention delivers power after receiving a signal intended for the label. This results in the claimed invention of the present application conserving battery power while enabling the use of cheaper and lower power/voltage batteries than would be otherwise required -- an objective that is not even suggested by Everett.

The absence of even a suggestion of this limitation in Everett's disclosure is no accident since the disclosed passive tag of Everett does not have a battery. Therefore, neither Everett nor Ahlm, separately or in combination, disclose a motivation combining them. The alleged motivation identified by the Office Action is based on hindsight alone, which is impermissible. Moreover, even if the references are combined as suggested by the Office Action, they do not disclose the limitation of "supplying said transmitter capacitor with power from said charge pump after a signal intended for said label has been received by said receiver means."

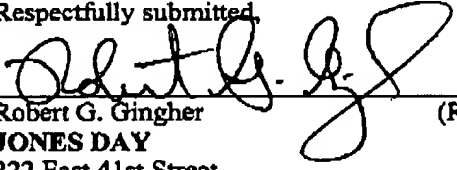
Therefore, both Ahlm and Everett fail to disclose an electronic label display that supplies power to a transmitter capacitor "after a signal intended for said label has been received by said receiver means," as recited in claim 7, and accordingly cannot render claim 7 obvious. Applicant therefore respectfully requests that the rejection of claim 7 as being obvious over Ahlm in view of Everett be withdrawn.

With respect to claim 8-17, Applicant notes that these claims are dependent on allowable claim 7 and are therefore allowable as well.

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance.

Date: February 6, 2004

Respectfully submitted,


Robert G. Gingher
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939

45,755
(Reg. No.)

Appendix

Figs. 1-4 (see attached)

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Amendment
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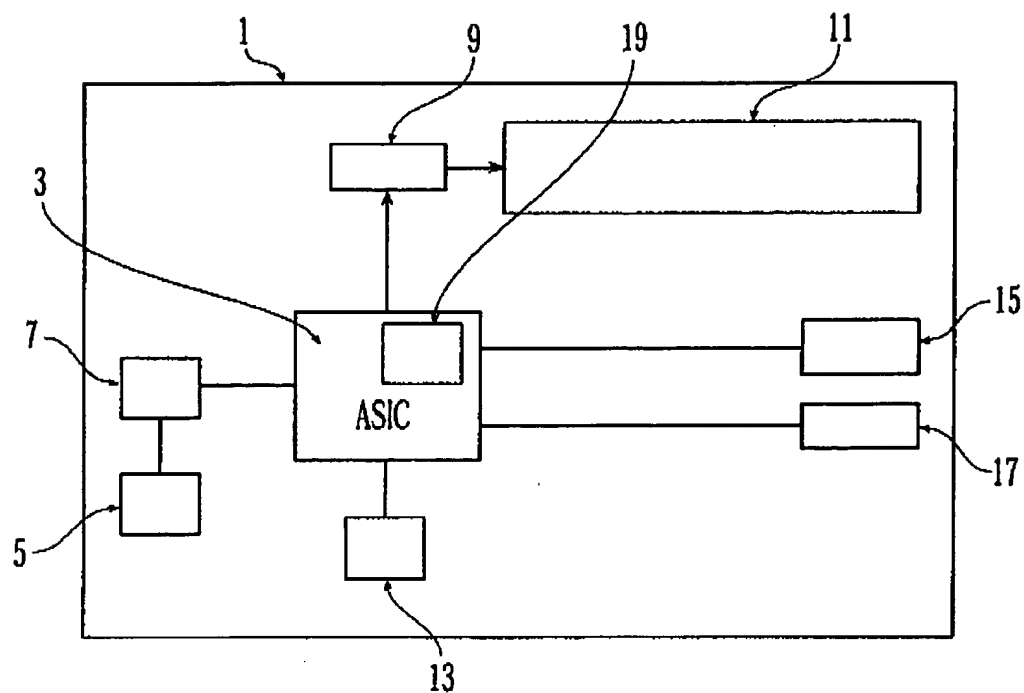


Fig. 1

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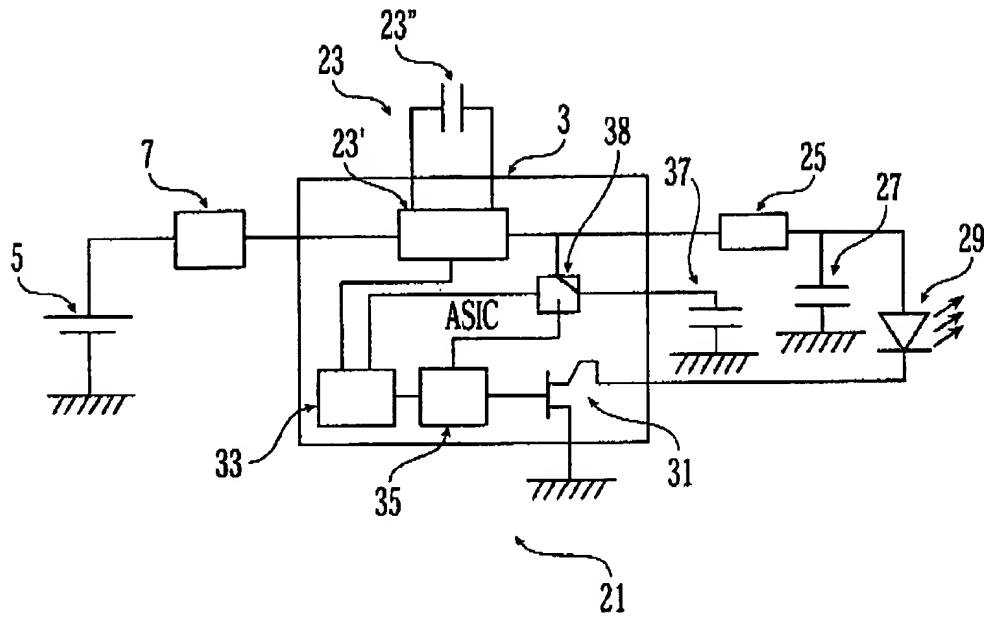
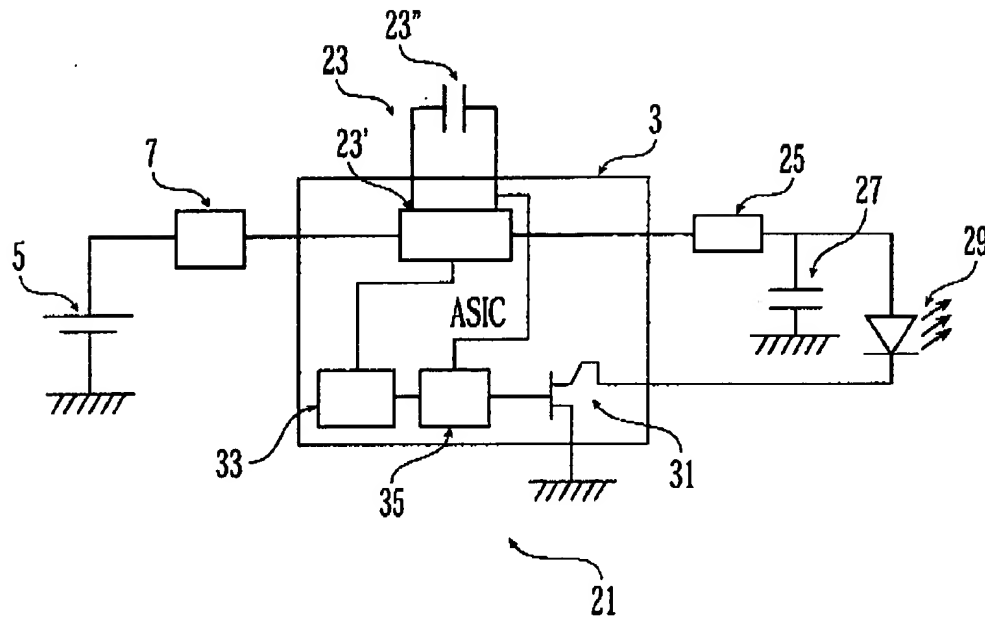


Fig. 2

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*Fig. 3*

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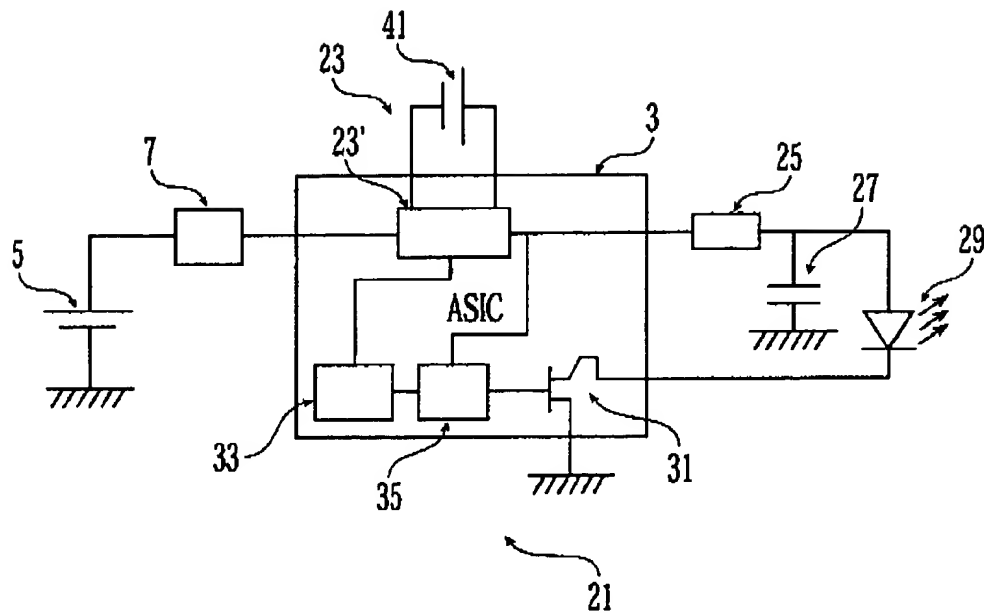


Fig. 4

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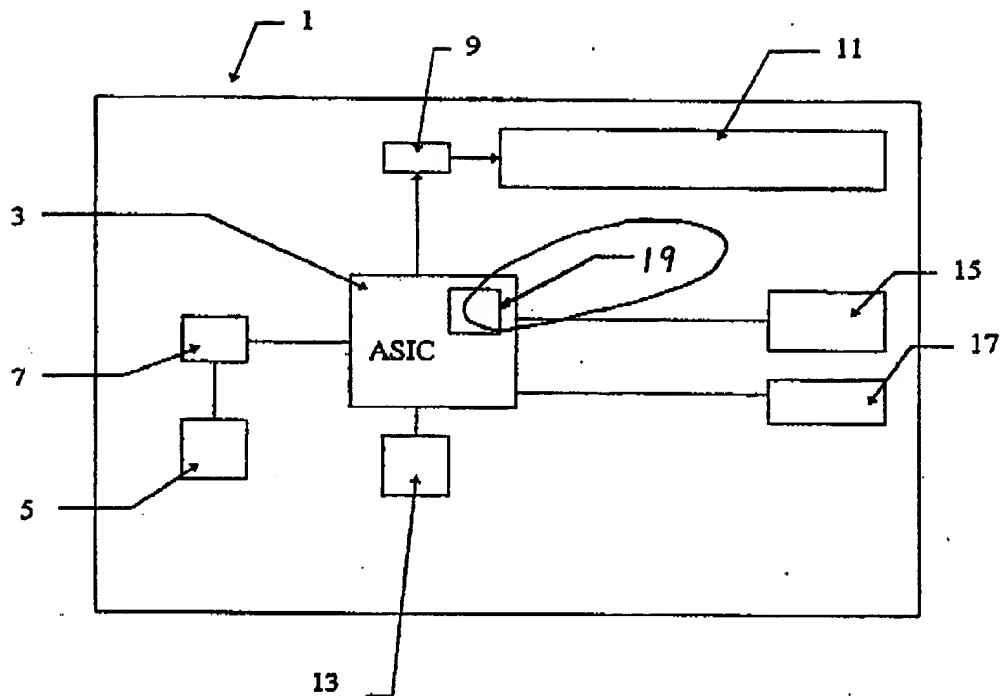


Fig 1

SUBSTITUTE SHEET (RULE 26)

WO 99/60473

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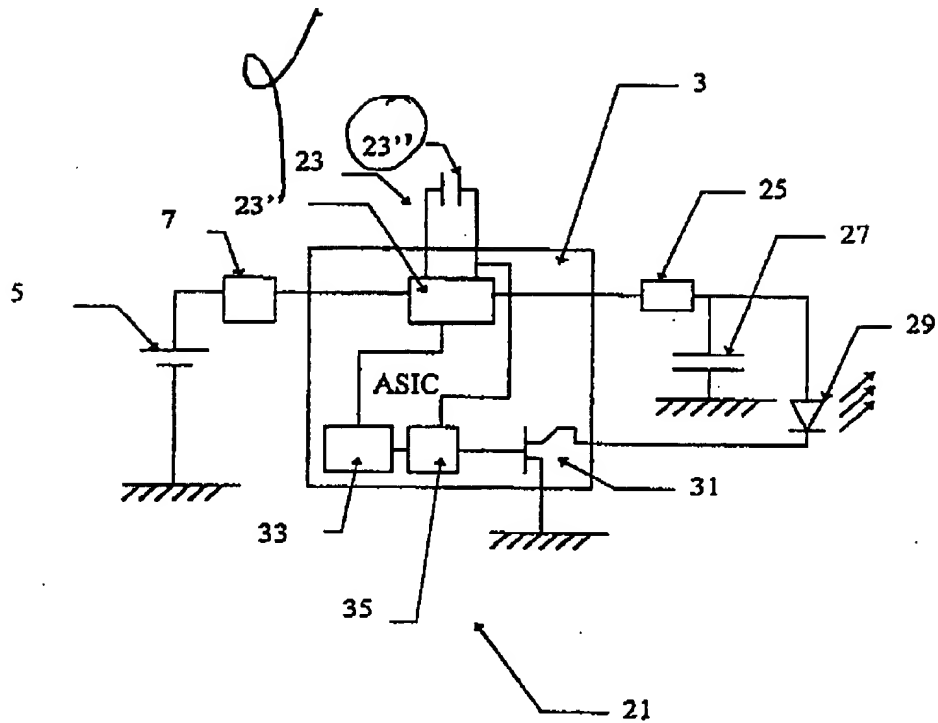


Fig 3

SUBSTITUTE SHEET (RULE 26)

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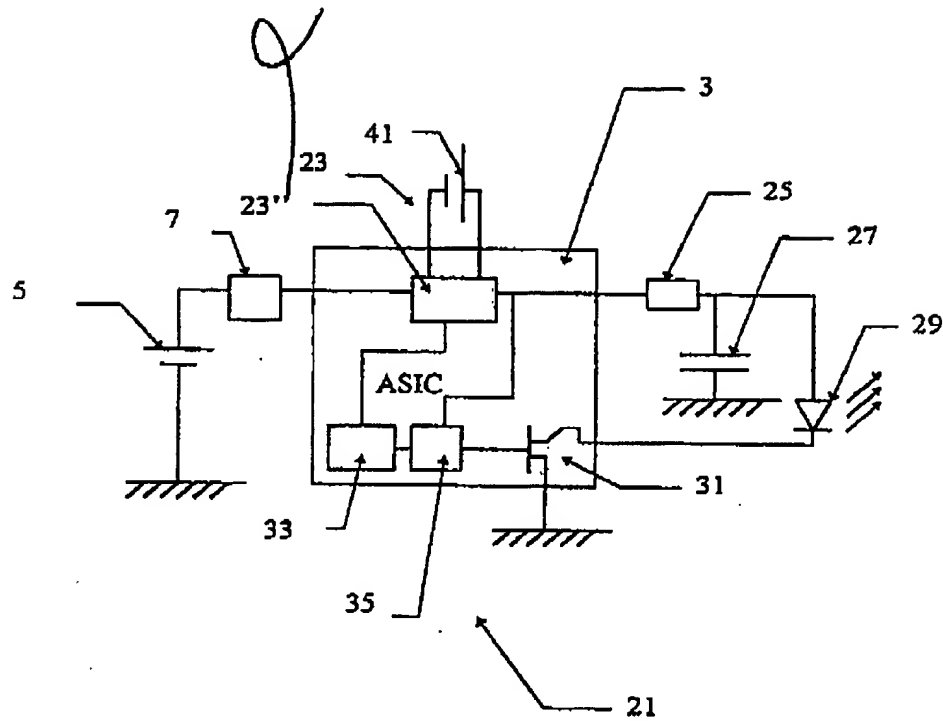


Fig 4

SUBSTITUTE SHEET (RULE 26)